

REMARKS

Election and Traverse

Restriction to one of the following groups was required under 35 U.S.C. 121:

I. Claims 1-2, drawn to a process for preparing oligonucleotide probe, classified in class 536, subclass 24.3.

II.. Claims 3-6, drawn to a process for preparing a DNA chip, classified in classes 422, 435, 536, subclass 68.1, 287.2, and 23.1, respectively.

III.. Claim 7, drawn to a DNA chip, classified in class 435, subclass 287.2.

IV. Claims 8-10, drawn to a method for detecting genetic mutations, classified in class 435, subclass 91.2 and 6.

In response to the restriction requirement, Applicant elects Group I, that is, Claims 1 and 2, drawn to a process for preparing oligonucleotide probe, with traverse.

MPEP 803 states:

Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP 806.04-MPEP 806.4(i)) or distinct (MPEP 806.05-806.05(i)).

If the search and examination on an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims of independent or distinct inventions” In the present case, there is no burden on the Examiner to conduct additional searching because all of the claims are directed to various practical embodiments of the same novel codon scanning algorithm. Furthermore, the claim language clearly identifies the relationship between the aspects of the claimed subject matter. Therefore, no restriction should be required.

Claim Amendments

Claim 3 and 8 have been amended to clarify that all of the claims are linked as separate embodiments of the process for preparing oligonucleotide probes using the novel codon scanning algorithm referred to above. No change in scope of these claims is intended, and as such, no new matter has been introduced. With this clarification, Claim 1 clearly links all four of the groups of inventions. In view of the presence of Claim 1 as a linking claim to all four groups, M.P.E.P. § 809.03 requires that even if the restriction requirement is made final, that the requirement should

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be withdrawn upon allowance of Claim 1. Accordingly, upon allowance of Claim 1, consideration of Groups II through IV is respectfully requested.

Conformity with Sequence Requirements

This Amendment brings the patent application into compliance with the Sequence Listing Disclosure requirement of the USPTO. Enclosed herewith are: (1) a paper copy of the Sequence Listing, and (2) a computer readable version of the Sequence Listing. The Amendment directs entry of the paper copy of the Sequence Listing into the application. In view of the foregoing, the application is believed to fully comply with the Sequence Listing Disclosure requirements.

VERIFICATION UNDER 37 C.F.R. 1.821 (f) & (g)

All of the sequences in the attached Sequence Listing are included in the application as filed herewith. Pursuant to 37 C.F.R. 1.821 (g), no new matter is being added herewith. As required under 37 C.F.R. 1.821 (f) I hereby verify that the data on the enclosed disk and the paper copies of the Sequence Listing are identical.

Conclusion

Should there be any questions concerning this application, the Examiner is invited to contact the undersigned agent at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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